

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

October 25, 1948

CIRCULAR NO. A-19
Revised

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Reports and recommendations on proposed and pending legislation

1. Authority and purpose. Executive Order 8248 of September 8, 1939, establishing the divisions of the Executive Office of the President, continued and formalized the responsibilities of the Bureau of the Budget for assisting the President by coordinating and clearing agency reports on proposed and pending legislation. Procedures for legislative clearance have been set forth in a number of Bureau of the Budget Circulars, beginning with Circular No. 49, issued December 19, 1921. This revision of Circular No. A-19, effective October 25, 1948, rescinds and replaces Circular No. A-19 Revised, dated September 25, 1946.

Coordination and clearance of agency reports on legislation are undertaken in order that the President may have the views of the agencies and that his position may be determined and expressed for their guidance and for the information of the Congress. When appropriate, the clearance process is used to develop, for presentation to the Congress, a coordinated report or legislative proposal which meets the requirements of all interested agencies.

The President has directed the Bureau of the Budget, in coordinating and clearing agency reports: (a) to obtain the views of agencies concerned; (b) to ascertain the relationship of the proposal or bill to the President's program; (c) to advise the agencies of that relationship; (d) to provide for transmittal by the appropriate agency of such advice to the Congress or the committee or member concerned; and (e) to prescribe procedures for carrying out these responsibilities. Such procedures are set forth below.

2. Definitions. The following definitions shall apply for purposes of this Circular:

Agency: "Departments and establishments" as defined in section 2 of the Budget and Accounting Act of 1921, and Government corporations as defined in sections 101 and 201 of the Government Corporation Control Act of 1945.

Report: Any written proposal for legislation and any written expression of official views on proposed or pending legislation prepared by any agency (a) for transmittal to the Bureau of the Budget or to the Congress, (b) for presentation as testimony before a congressional committee, and

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(c) for inclusion in an annual or special report for transmission to the Congress or release to the public. This definition does not include (a) justifications for annual and supplemental or deficiency appropriations, or (b) technical assistance in drafting legislation at the request of a member or committee of Congress, provided no commitment is made respecting the position of the agency or the President.

Advice: Information transmitted to an agency by the Bureau of the Budget concerning the relationship of particular legislation to the program of the President.

3. Transmittal of agency reports. Each agency shall transmit to the Bureau of the Budget before submission to any committee, member, or officer of either house of Congress four copies of each report on public bills and two copies of each report on private relief bills and shall request advice as to the relationship of the legislation to the program of the President. This requirement does not apply if the legislation and an agency report have previously been the subject of Bureau advice (and the views expressed in the subsequent report are unchanged), or if an agency is reporting on a bill which is identical in substance with a bill on which prior advice has been given. However, in both instances, reports shall include reference to prior advice received, and the required copies shall be transmitted to the Bureau of the Budget at the same time that the report is submitted to the Congress. Advice on the relationship of legislation to the President's program applies to all sessions of each Congress but does not carry over from one Congress to the next.

4. Relationship to Presidential recommendations. Presidential recommendations may be included in messages, statements, instructions or other documents. A legislative proposal designed to carry out a Presidential recommendation shall be accompanied by a statement identifying the recommendation and indicating the degree to which the legislation will carry it out. This statement may be included either in the agency's letter of transmittal to the Bureau or in its report.

5. Submission of cost information. Estimates of initial and recurring costs or savings attributable to the proposed or pending legislation shall be included in the report or transmittal letter of the agency responsible for administering the provisions of the legislation. Where such cost information is not provided, the reason for its omission shall be stated in the letter of transmittal to the Bureau of the Budget.

6. Interagency consultation. In the preparation of reports, each agency is encouraged to consult with other agencies concerned in order that all interests and points of view may be considered in the formulation of the agency's position. Interdepartmental committees and other formalized arrangements for interagency collaboration will frequently

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constitute an effective method for reaching a common understanding, thereby reducing the time required for clearance of reports by the Bureau of the Budget. However, in order that the President may have the individual views of the responsible heads of the agencies, reports should be transmitted to the Bureau of the Budget by the agencies concerned.

In cases involving urgent time schedules or important areas of interagency interest, the Bureau of the Budget also may arrange interagency conferences or request agency participation in special working groups.

Interdepartmental consultation frequently can be effected through the use of established agency channels. To this end, the Bureau of the Budget will furnish to the agencies from time to time, lists of the respective agency officials designated to handle the coordination of legislative matters.

7. Bureau of the Budget action on agency reports. Upon receipt of an agency report, the Bureau of the Budget will obtain and consider the views of other agencies concerned. It will consult with the President, when appropriate, and will undertake such staff work for him as may be necessary, in conjunction with other Presidential staff. In order to avoid delays in clearance, agencies are expected to reply to Bureau of the Budget requests for views within the time limits which may be specified.

When coordination and consideration of agency reports have been completed, the Bureau of the Budget will advise the appropriate agencies regarding the relationship of the subject legislation to the President's program. In transmitting advice, the Bureau of the Budget will indicate any considerations raised by other agencies which the reporting agency may wish to take into account before submitting its report to the Congress.

8. Notification to the Congress. In order to avoid ambiguity and to prevent misunderstanding of the President's position, it is essential that the advice received from the Bureau of the Budget be fully stated to the Congress in agency reports and oral testimony. Receipt of advice contrary to the views expressed by any agency in a report does not require an agency to modify its views. However, in instances involving proposals for legislation originating within the Executive Branch, agencies will submit to the Congress, on their initiative and with their endorsement, only those proposals which do not conflict with the President's program, and which have been coordinated within the Executive Branch in accordance with the provisions of this Circular.

9. Agency action in the absence of prior clearance. When congressional time schedules will not permit an agency to ascertain in advance the relationship of proposed or pending legislation to the program of the

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President, the agency's report shall so state and shall indicate that the report does not constitute a commitment respecting the President's program. In such cases, copies of the agency report shall be transmitted to the Bureau of the Budget at the same time that it is submitted to the Congress. Thereafter, when appropriate, the Bureau of the Budget will advise the agency on the relationship of the legislation to the President's program and the agency will promptly transmit this advice to the Congress.

When no written report is prepared, and an agency's views are to be expressed in oral testimony, the Bureau of the Budget, upon request, will undertake such informal interagency consultation and coordination and give such advice as circumstances permit.

10. Reporting of urgency factors., Agencies should specify in their letters of transmittal to the Bureau of the Budget any information concerning congressional schedules and requirements which bears upon the urgency of the report.

By direction of the President:

JAMES E. WEBB
Director